

CRP 1632

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark Madden et al.

Art Unit : 1632

Serial No. : 09/751,299

Examiner : Unknown

Filed : December 28, 2000

Title : METHODS FOR PRODUCING ENANTIOMERICALLY PURE ALPHA-SUBSTITUTED CARBOXYLIC ACIDS

Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**UNDER 37 CFR §1.97 and §1.98**

Sir:

Enclosed for filing in the above-referenced patent application is a Form PTO-1449, being submitted prior to the first Office Action on the merits. Applicants respectfully request consideration of the remarks and references set forth herein.

The following documents are enclosed herewith:

- copy of Form PTO-1449
- Postcard
- copy of the International Search Report
- copies of cited references
- copy of initial Information Disclosure Statement w/o references

RECEIVED  
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TECH CENTER 1600/2900

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

July 17, 2002

Date of Deposit

Signature

*Jeanne Amour-Rice*

Jeanne Amour-Rice

Typed or Printed Name of Person Signing Certificate

**REMARKS**

The references cited on attached form PTO-1449 are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

A copy of the International Search Report for PCT/US00/35555, mailed August 17, 2001, a counterpart international application, is enclosed for the Examiner's convenience.

This submission is a supplemental Information Disclosure Statement (IDS). The initial IDS and PTO FORM 1449 were submitted September 6, 2001.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicants believe that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 06-1050. If necessary, please deduct any necessary additional fees from, or credit any overpayment to, the above-noted Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 678 5070.

Applicant : Mark Madden et al.  
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Attorney's Docket No.: 09010-113001

Respectfully submitted,

Date:

July 17, 2002

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PATENT  
ATTORNEY DOCKET NO.: DIVER1440-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Madden, et al. Art Unit: 1632  
Application No.: 09/751,299 Examiner: Unassigned  
Filed: December 28, 2000  
Title: METHODS FOR PRODUCING ENANTIOMERICALLY PURE  $\alpha$ -  
SUBSTITUTED CARBOXYLIC ACIDS

Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL SHEET**

Transmitted herewith for the above-identified application please find:

1. Information Disclosure Statement ( 2 pages);
2. Form PTO-1449 (2 pages);
3. International Search Report Mailed August 17, 2001;
4. Seventeen (17) references; and
5. Return postcard.

**CERTIFICATION UNDER 37 CFR §1.8**

I hereby certify that the documents referred to as enclosed herein  
are being deposited with the United States Postal Service as first  
class mail on September 6, 2001, in an envelope addressed to:  
Commissioner for Patents, Washington, D.C. 20231

*Karen LePari*

Karen LePari

In re Application of:  
Madden, et al.  
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PATENT  
Attorney Docket No.: DIVER1440-2

Applicant does not believe any fees are due in connection with this submission, however if any additional fees are due, Applicant authorizes the Commissioner to charge or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,

Date: September 6, 2001



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Madden, et al. Art Unit: 1632  
Application No.: 09/751,299 Examiner: Unassigned  
Filed: December 28, 2000  
Title: METHODS FOR PRODUCING ENANTIOMERICALLY PURE  $\alpha$ -  
SUBSTITUTED CARBOXYLIC ACIDS

Commissioner for Patents  
1 Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. § 1.98, enclosed are references relating to the above-identified application. Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. For the convenience of the Examiner, these references along with a copy of the International Search Report, are listed on the attached Form PTO-1449 and a copy of each is enclosed herewith. In addition, U.S. 5,756,306 has been cited in this IDS.

It is respectfully requested that these references be considered in the examination of this application and their consideration be made of written record in the application file.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on September 6, 2001, in an envelope addressed to:  
Commissioner for Patents, Washington, D.C. 20231

*Karen LePari*

Karen LePari

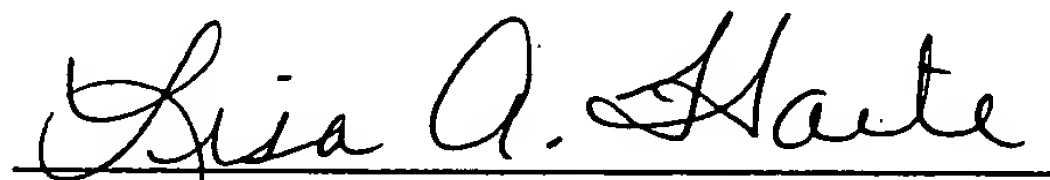
In re Application of:  
Madden, et al.  
Application No.: 09/751,299  
Filed: December 28, 2000  
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PATENT.  
Attorney Docket No.: DIVER1440-2

This Information Disclosure Statement is being filed prior to the receipt of a First Office Action on the merits. Therefore, no fee is deemed necessary in connection with this filing. However, if any fee is required, authorization is hereby given to charge the amount of any such fee, or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Dated: September 6, 2001



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FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office	Docket No.: DIVER1440-2	Application N : 09/751,299
	Applicants:	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date: December 28, 2000	Group Art Unit: 1632

### U.S. PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	A	5,756,306	5/26/98	Yamaguchi, et al.	435	41	11/8/96

### FOREIGN PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION (YES/NO)
	B	0 332 379 A2	9/13/89	EP			
	C	0 449 648 A2	10/2/91	EP			
	D	0 502 476 A2	9/9/92	EP			
	E	0 610 049 A2	8/10/94	EP			
	F	0 610 048 A2	8/10/94	EP			
	G	0 711 836 A1	5/15/96	EP			
	H	0 773 297 A2	5/14/97	EP			
	I	0 780 471 A2	6/25/97	EP			
	J	WO 86/07386	12/18/86	PCT			

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

	K	Bork, et al., "New Family of Carbon-nitrogen Hydrolases", Protein Science, 3(8):1344-1346, (1994).
	L	Duran, et al., "Characterization of Nitrile Hydratase Genes Cloned by DNA Screeing from <i>Rhodococcus Erythropolis</i> ," 57(8):1323-1328, (1993).
	M	Levy-Schil, et al., "Aliphatic Nitrilase from a Soil-isolated Comamonas Testosteroni sp.: Gene Cloning and Overexpression, Purification, and Primary Structure," Gene, Elsevier Biomedical Press, 161(1):15-20, (1995).



<b>FORM PTO-1449</b> U.S. Department of Commerce Patent and Trademark Office	<b>Docket No.:</b> DIVER1440-2	<b>Application No.:</b> 09/751,299
	<b>Applicants:</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	<b>Filing Date:</b> December 28, 2000	<b>Group Art Unit:</b> 1632

	N	Komeda, et al., "Transcriptional Regulation of the <i>Rhodococcus rhodochrous</i> J1 nitA Gene encoding a Nitrilase," Proc. Natl. Acad. Science, 93(20):10572-10577, (1996).
	O	Novo, et al., " <i>Pseudomonas aeruginosa</i> Aliphatic Amidase is Related to the Nitrilase/Cyanide Hydratase Enzyme Family and Cys <sup>166</sup> is Predicted to be the Active Site Nucleophile of the Catalytic Mechanism," Febs. Letters, Elsevier Science Publishers, 367(3):275-279, (1995).
	P	Wanatabe, et al., "Cloning and Expression of a Gene Encoding Cyanidase from <i>Pseudomonas stutzeri</i> AK61," Applied Microbiology and Biotechnology, 50(1):93-97, (1998).
	Q	Wiyakrutta, et al., "A Stereo-inverting D-phenylglycine Aminotransferase from <i>Pseudomonas Stutzeri</i> ST-201: Purification, Characterization and Application for D-phenylglycine Synthesis," Journal of Biotechnology, 55(3):193-203, (1997).